

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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GERALD LEE LYNCH, JR.,

Petitioner,

ORDER

v.

09-cv-113-slc

RANDALL HEPP, Warden,  
Jackson Correctional Institution,

Respondent.

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On June 8, 2009, this court entered an order and judgment dismissing Gerald Lee Lynch, Jr.'s application for a writ of habeas corpus, on the ground that he had failed to exhaust his state court remedies. Petitioner has now submitted copies of state court documents showing the steps that he has been taking in state court to attempt to exhaust his claims. Apparently, these attempts have proved to be unsuccessful, prompting petitioner to ask if this court could appoint a lawyer to represent him under 18 U.S.C. § 3006A. Dkt. 20, at 3.

The answer to petitioner's question is no. Petitioner currently has no case pending before this court. When this court dismissed the petition for lack of exhaustion, it did not retain jurisdiction over the case. If petitioner needs a lawyer to help him file the appropriate motions in state court, he will need to ask the state courts to appoint a lawyer to represent him.

ORDER

IT IS ORDERED that petitioner's motion for the appointment of counsel (dkt. 20) is DENIED.

Entered this 19<sup>th</sup> day of October, 2009.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge